

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:19-CR-331-BO-3

UNITED STATES OF AMERICA

v.

MATTHEW SCOTT McCLOUD

Defendant

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MOTION FOR ARRAIGNMENT VIA
VIDEO OR TELEPHONE
CONFERENCE

Defendant Matthew McCloud, by and through counsel, respectfully moves for an Arraignment date to be scheduled as soon as possible in the Court's April 2020 term via video conference or telephone conference. This matter is currently set for arraignment during the May 2020 term of court. In support of this Motion, Mr. McCloud states the following:

1. Mr. McCloud has pending charges before this Court including Passport Fraud and Aggravated Identity Theft.
2. Mr. McCloud and the government have reached a resolution of his charges. That resolution cannot be effectuated without some type of appearance before this Court.
3. Mr. McCloud is currently held without bond in this matter.
4. Mr. McCloud is here from the State of Missouri pursuant to an application by the government for a writ of habeas corpus that was ordered by U.S. Magistrate Judge Robert T. Numbers, II. *See Writ of Habeas Corpus*, Case No. 5:19-cr-00331-BO (filed Jan. 14, 2020).
5. Missouri state officials have informed the undersigned that Mr. McCloud is currently eligible for parole in Missouri but they cannot complete the administrative

process necessary for that parole to begin without the physical presence of Mr. McCloud in Missouri. These same officials have informed the undersigned that even if Mr. McCloud ultimately has to serve a federal sentence of incarceration in this matter that he would have to physically return to Missouri first to complete the administrative process for his state parole before he would then be sent to a federal penitentiary.

6. Based upon currently known information, it does not appear that Mr. McCloud will automatically receive any credit by the U.S. Bureau of Prisons for the time he has been held in this pending federal matter.
7. As a result, Mr. McCloud has significant liberty interests at stake and may suffer irreparable injustice if there is any further delay in this matter pending before this Court.
8. Mr. McCloud is eligible to have his arraignment conducted via video conference or telephone conference pursuant to this Court's Standing Order and the Coronavirus Aid, Relief and Economic Security Act ("CARES Act"). *See In re Court Operations Under the Exigent Circumstances Created by the Covid-19 Pandemic* (C.J. Boyle, Mar. 18, 2020); *CARES Act*, Pl. 116-136, 134 Stat 281 (Mar. 27, 2020) at § 15002(b)(1) and (2).
9. Mr. McCloud has consulted with the undersigned and consents to an arraignment conducted via video conference or telephone conference.
10. The government does not object to this Motion.

WHEREFORE, the Defendant respectfully requests an arraignment of Mr. McCloud be scheduled as soon and as safe a manner as possible via video conference or telephone conference.

Respectfully submitted, this 16th day of April, 2020.

/s/Shana L. Fulton

Shana L. Fulton

Attorney for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on the following parties via
CM/ECF:

Gabriel J. Diaz
Assistant United States Attorney

Respectfully submitted, this the 16th day of April, 2020.

/s/Shana L. Fulton
Shana L. Fulton
Attorney for Defendant
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